

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 42, 43, 61, 62, 67, 68, 70 and 71 are pending in the present Application. Claims 1-41, 44-60 and 63-65 have been withdrawn. Claim 69 has been canceled without prejudice or disclaimer. Claims 42, 61, 67, and 70 have been amended. Support for the amendment of Claims 42, 61, 67, and 70 can be found at least in Fig. 24 and its supporting description in the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claim 69 stands rejected under 35 U.S.C. § 102 as being anticipated by Walker et al. (U.S. Patent No. 5,659,883, hereinafter Walker); and, Claims 42, 43, 61, 62, 67, 68, 70, and 71 stand rejected under 35 U.S.C. § 103 as being unpatentable over Willebrand et al. (U.S. Patent No. 6,763,195, hereinafter Willebrand) in view of Walker.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claim 69 under 35 U.S.C. § 102 as being anticipated by Walker. The Official Action asserts that Walker discloses all of the Applicants' claim limitations.

As Claim 69 has been canceled, the outstanding rejection pertaining to this claim has been rendered moot.

REJECTION UNDER 35 U.S.C. §103

The Official Action has rejected Claims 42, 43, 61, 62, 67, 68, 70, and 71 under 35 U.S.C. § 103 as being unpatentable over Willebrand in view of Walker. The Official Action asserts that Willebrand discloses all of the Applicants' claim limitations with the exception of diversity combining an information signal in a stand-by mode. However, the Official Action

cites Walker as disclosing this aspect of the Applicants' claimed invention, and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Applicants' amended Claim 42 recites, *inter alia*, an information transmission system, including:

... a signal dividing part for dividing an information signal into a first signal part and a second signal part that are different from each other;

...
said control part controlling said sending apparatus such that said information signal is transmitted to said receiving apparatus via a plurality of routes including a radio transmission route and an optical transmission route when said second transmission mode is selected, ...

Willebrand describes a system, including a master station (222) and a slave station (24) that are connected via an optical path and an RF path (i.e., hybrid network).¹ The optical path serves as the main communication path; and, the RF path serves as the main path for control and status information and serves as a reliable back-up data communication path.²

Willebrand does not disclose or suggest when a first transmission mode is selected, an information signal is divided into two different signals being transmitted via a radio path and an optical path, respectively; and, when the second transmission mode is selected, the information signal being transmitted via a plurality of routes, as recited in Applicants' amended Claim 41. Further, Walker does not remedy the deficiencies discussed above. As rejected Claims 43, 61, 62, 67, 68, 70, and 71 recite substantially similar limitations to that discussed above based upon independent and/or dependent recitation, albeit in a different statutory class and/or claim scope, Applicants submit that these claims are also allowable.

¹ Willebrand at Fig. 1.

² Willebrand at Col. 5, lines 22-26.

Accordingly, Applicants respectfully request that the rejection of Claims 43, 61, 62, 67, 68, 70, and 71 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 42, 43, 61, 62, 67, 68, 70, and 71, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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